

**JOHN S. RANSOM, OSB #74265**  
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Of Attorneys for Defendant Noe Daniel Macias-Frausto

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	<b>NO. CR 11-30-MO</b>
Plaintiff,	)	
	)	<b>AFFIDAVIT IN SUPPORT</b>
v.	)	<b>OF MOTION FOR SET OVER</b>
	)	<b>OF TRIAL DATE</b>
<b>NOE DANIEL MACIAS-FRAUSTO,</b>	)	
	)	
Defendant.	)	
	)	
STATE OF OREGON	)	
	)	ss.
County of Multnomah	)	

I, John S. Ransom, being first duly sworn, depose and say:

1. I have been appointed pursuant to the Criminal Justice Act to represent the defendant, Noe Daniel Macias-Frausto.

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SET OVER OF TRIAL DATE

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2. Defendant is charged in a single-count indictment with possession with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of Title 21, U.S.C. §§ 841(a)(1) and 841(b)(1)(B). There is also a forfeiture count.

3. I have just recently been appointed to represent Mr. Macias-Frausto and need additional time to meet with him and discuss his options. I additionally need time to meet with Assistant United States Attorney Scott Kerin. The facts do not appear complex but there is an involvement of a GPS which needs examination. I met with Mr. Macias-Frausto on one occasion but communication is difficult since he is lodged at Sheridan. I suggest the matter will be settled without trial.

4. Mr. Macias-Frausto has been advised of his rights to a speedy trial under the statute and the Constitution both by myself and his prior attorney, Benjamin T. Andersen. He has waived those rights to me in person and Mr. Andersen. He has previously been afforded continuances which reflect his waivers.

5. Counsel agrees that this constitutes delay which is excluded pursuant to Title 18, U.S.C. § 3161(h)(7)(A).

6. Assistant United States Attorney Scott Kerin has no objection to the allowance of this motion.

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7. This motion is not made for purposes of delay but, rather, to ensure Mr. Macias-Frausto's rights pursuant to the Sixth Amendment to the United States Constitution.

/s/ JOHN S. RANSOM

JOHN S. RANSOM

SUBSCRIBED and sworn to before me this 28th day of February, 2012.

/s/ PATRICIA H. GASSNER

Notary Public in and for the State of Oregon

My Commission expires: 3/3/2013

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing AFFIDAVIT OF JOHN S. RANSOM  
IN SUPPORT OF MOTION FOR SET OVER OF TRIAL DATE on the following  
attorney by electronic case filing a full and correct copy thereof on the 28th day of  
February, 2012.

Scott M. Kerin  
Assistant United States Attorney  
United States Attorney's Office  
Suite 600  
1000 S.W. Third Avenue  
Portland, OR 97204-2902

RANSOM BLACKMAN LLP

/s/ JOHN S. RANSOM

JOHN S. RANSOM

OSB No. 742655

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Of Attorneys for Defendant

Noe Daniel Macias-Frausto

CERTIFICATE OF SERVICE

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